

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**STEPHANIE L. COLEMAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:17-cv-73 HTW-LRA**

**CITY OF JACKSON, MISSISSIPPI;  
MAYOR TONY YARBER INDIVIDUALLY  
AND HIS OFFICIAL CAPACITY; JOHN DOES 1-3**

**DEFENDANTS**

---

**MOTION FOR STAY OF DUTY TO FILE RESPONSIVE PLEADING BY  
TONY T. YARBER IN HIS INDIVIDUAL CAPACITY**

---

**COMES NOW**, Defendant, Tony T. Yarber in his Individual Capacity, through counsel, and appears specially for the purpose of contesting personal jurisdiction pursuant to Rule 12(b)(2),(4), & (5) and asks the Court for a stay to file a responsive pleading and with respect states unto the Court the following:

1. Plaintiff filed her Complaint in this action on or about February 2, 2017.
2. Plaintiff caused the clerk to issue a single Summons to Mayor Tony Yarber individually and in his official capacity on February 2, 2017.
3. The Plaintiff's attorney filed with the Court a return on February 27, 2017 which indicates that Tony Yarber was served *personally* as an individual on February 6, 2017.
4. The undersigned attorney has been advised by Tony Yarber that he has not been *personally* served with the Summons and Complaint.

5. Service upon Tony Yarber in his official capacity as Mayor does not constitute service upon the individual.

6. Defendant Tony Yarber, in his individual capacity, respectfully moves the Court for a stay of filing a responsive pleading and also for a waiver of the requirement of providing a Memorandum Supporting this Motion.

**SO MOVED** this the 27<sup>th</sup> day of February 2017.

Respectfully submitted,

**CITY OF JACKSON, MISSISSIPPI**

By: /s/ LaShundra Jackson-Winters  
LaShundra Jackson-Winters, Deputy City Attorney  
Dana Sims, Deputy City Attorney

Of Counsel:

Monica Joiner, City Attorney  
Mississippi Bar No. 102154  
LaShundra Jackson-Winters  
Mississippi Bar No. 101143  
Dana Sims  
Mississippi Bar No. 103768  
**OFFICE OF THE CITY ATTORNEY**  
Post Office Box 2779  
Jackson, Mississippi 39207-2779  
601.960.1799 telephone  
601.960.1756 facsimile  
*Attorneys for City of Jackson*

**CERTIFICATE OF SERVICE**

I, LaShundra Jackson-Winters, one of the attorneys for the City of Jackson, does hereby certify that I have this day delivered a true and correct copy of the above and foregoing document, via ECF electronic filing, to the following:

Wilson H. Carroll, Esq.  
WILSON CARROLL, PLLC  
3520 Old Canton Road  
Jackson, Mississippi 39216  
*Attorney for Plaintiff*

So certified, this the 27<sup>th</sup> day of February, 2017.

/s/ LaShundra Jackson-Winters  
LASHUNDRA JACKSON-WINTERS